IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 16TH JANUARY 2007/ 26TH POUSHA, 1928

Bail Appl..No. 352 of 2007()

CC.683/2004 of J.M.F.C.,ALATHUR

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PETITIONERS/ACCUSED :

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1. RADHAKRISHNAN, S/O. RAJAN
   AYAKKAD GRAMAM, ALATHUR TALUK, PALAKKAD DISTRICT

2. SASI, S/O. VELLA, ADIYATHUPADAM, AYAKKAD AMSOM,
   ALATHUR TALUK, PALAKKAD DISTRICT.

3. P.G. PRASAD, S/O. P.K. GOPALA PILLA, PUTHIYAVEETHIL HOUSE,
   AYAKKARA P;O. VADAKKANCHERRY, PALAKKAD DISTRICT

4. ANIL, S/O. GOPI, AYAKKAD MANNAM, AYAKKAD,
   ALATHUR TALUK, PALAKKAD DISTRICT

5. ANATHA BABU, S/O. KUMARAN, KUMANKODU,
   AYAKKAD, ALATHUR TALUK, PALAKKAD DISTRICT

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA

2. MANIKANDAN S/O.PAZHANIMALA, PANAKKAPARAMBU,
   AYAKKAD AMSOM, ALATHUR TALUK, PALAKKAD DISTRICT

3. SUB NSPECTOR OF POLICE, VADAKKANCHERRY STATION
   ALATHUR TALUK, PALAKKAD DISTRICT

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-01-2007 THE COURT ON 16/01/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 352 of 2007

DATED: January 16, 2007

O R D E R

Petitioners who are accused Nos. 2,3,5,6 and 7 in C.C. No. 683/04 on the file of the Judicial First Class Magistrate, Alathur, seek anticipatory bail.

2. The case originated on a private complaint and cognizance was taken by the Magistrate who took the case on file as C.C. 683/04. Evidently, the petitioners did not respond to the summons resulting in the Magistrate initiating steps under Sections 82 and 83 of Cr.P.C. and issuing non-bailable warrant of arrest against the petitioners. It is at this stage that the petitioners have approached this court.

3. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. It is for the petitioners to seek regular bail after surrendering before the concerned Magistrate's Court. Accordingly, if the petitioners surrender before the magistrate and file an application for regular bail within two weeks from today , the same shall be considered despite the pendency of non-bailable warrants of arrest against the petitioners and shall be disposed of preferably on the same day on

which the said application is filed after considering the grievance of the petitioners that they did not receive summons in the case and that the matter has been squared up between the parties.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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